

FILED

OCT 25 2012



CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

DONALD E. MOELLER,

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CIV. 04-4200

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Plaintiff,

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-vs-

* ORDER RE: SEALED DOCUMENTS

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DOUGLAS WEBER, Warden,
South Dakota State Penitentiary,
DENNIS KAEMINGK, Secretary of
the South Dakota Department of
Corrections in his official capacity,
and DOES 1-20, unknown employees or
agents of the South Dakota Department
of Corrections,

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Defendants.

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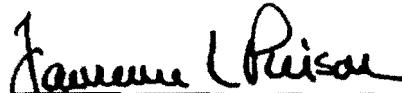
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On October 22, 2012, the Court held a hearing on the motion for stay of execution. During the hearing, the Court stated that it would review the documents that had been filed under seal in this case in order to determine whether some documents should be unsealed. The Court's preliminary review of the sealed documents indicates that a number of those documents do not contain protected information and should be unsealed. The protective orders issued by the Court in docs. 285 and 286 will not be revisited and will remain in effect. Before unsealing any documents, however, the Court will allow the parties, if they wish to do so, to advise the Court which documents they contend should remain sealed, and explain why the documents should remain sealed. Accordingly,

IT IS ORDERED that, on or before Thursday, November 1, 2012, the parties shall respond to this order if they wish to make a response.

Dated this 25th day of October, 2012.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: Summer Washington
DEPUTY